

# REMARKS

Claims 1-15 were examined. Claims 1-8 were rejected, while claims 9-15 were objected to as dependent upon a rejected base claim. In this Response, Applicant does not amend any claims, cancel any claims, or add any new claims. Reconsideration of the rejected claims in light of the following remarks is requested.

## I. Claims Rejected Under 35 U.S.C. § 102(b)

The Examiner rejected claims 1 and 8 under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 4,920,553 issued to Sasaki *et al.* ("*Sasaki*").

As to claim 1, that claim recites an apparatus comprising a number of elements, including a suction device mounted to a side of a media receptacle. The Examiner disagreed with Applicant's argument that *Sasaki*'s allegedly corresponding moveable suction means is not mounted to the side of a receptacle, stating that it is mounted, possibly via the drive mechanism, to the frame of the apparatus. Applicant respectfully submits that mounting to the frame of the apparatus is not equivalent to mounting to a media receptacle, particularly when the media receptacles are removable (as they are in *Sasaki*, see col. 2, ll. 29-32) while the suction means remains attached to the apparatus. Since the third element of claim 1 requires a suction device to be mounted to a side of the media receptacle, Applicant believes that *Sasaki* discloses a different apparatus, and requests that the rejection of claim 1 be withdrawn.

As to claim 8, that claim recites another apparatus comprising a number of elements, including a suction assembly coupled to a receptacle. Although "coupled to" describes a broader range of spatial relationships than "mounted to," Applicant respectfully submits that it is not broad enough to encompass the relationship between *Sasaki*'s suction cups and its media receptacle, which can be held in a fixed relationship by virtue of the connection of each to the apparatus frame (*i.e.* the suction cups are mounted to the frame, and the receptacle can be inserted in a slot in the frame) but are not always so held, because the receptacle can be removed, while the suction cups remain behind.

In addition, as Applicant previously argued, the claimed suction assembly is to move a media object from the receptacle to engagement with a clip. The Examiner

dismissed this argument, citing *Sasaki* col. 2, ll. 51-56, but that portion clearly states that "the feed mechanism 27 supplies the film holder 26 with unexposed film fed from the film supply magazine 21 or 22 by the suction means 24." Even assuming that the *Sasaki*'s suction means 24 and film holder 26 are equivalent to the claimed suction assembly and clip, respectively, the suction means does not move the media object from the receptacle to engagement with the clip. Instead, *Sasaki*'s suction means only moves the film to the feed mechanism 27.

For at least these reasons, Applicant believes that *Sasaki* fails to anticipate claim 8, and respectfully requests that the Examiner withdraw the rejection of that claim.

## II. Claims Rejected Under 35 U.S.C. § 103(a)

The Examiner rejected claims 2-7 under 35 U.S.C. § 103(a) as unpatentable over *Sasaki* (*supra*), in view of one or more of U.S. Patent No. 4,280,691 issued to Blum ("*Blum*"), U.S. Patent No. 6,077,568 issued to Ford *et al.* ("*Ford*"), U.S. Patent No. 3,868,699 issued to Gardner *et al.* ("*Gardner*"), and Japanese Patent publication no. JP 09-240858 by Daisuke *et al.* ("*Daisuke*"). However, none of the secondary references disclose apparatus using a suction device, so they cannot supply at least the deficiency of *Sasaki* noted above: that the suction device is mounted to the frame of the apparatus and not to the media receptacle. Thus, Applicant respectfully submits that claims 2-7 are patentable for at least the reasons discussed in support of their base claim, claim 1. The Examiner is requested to withdraw the rejections of claims 2-7.

## III. Allowable Material

Applicant notes with appreciation that the Examiner has determined claims 9-15 to contain allowable material.

CONCLUSION

In view of the foregoing, it is believed that all claims now pending, namely claims 1-15, patentably define the subject invention over the prior art of record, and are in condition for allowance and such action is earnestly solicited at the earliest possible date. If the Examiner believes that a telephone conference would be useful in moving the application forward to allowance, the Examiner is encouraged to contact the undersigned at (310) 207-3800.

Dated: June 30, 2005

Respectfully submitted,  
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<p>12400 Wilshire Boulevard Seventh Floor Los Angeles, California 90025  (310) 207-3800</p>	<p style="text-align: center;"><u>CERTIFICATE OF TRANSMISSION</u></p> <p>I hereby certify that this correspondence is being transmitted by facsimile on the date shown below to the United States Patent and Trademark Office.</p> <p><i>Nadya Gordon</i>      <i>6/30/05</i> Nadya Gordon      Date</p>
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